IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 354 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22.2.2005 in W.P.(SR) No. 16556 of 2005 on the file of the High Court.)

Between:

Sri Manik Chand Jain, S/o Mukund Chand Jee, Secretary & Correspondent, Sree Mahaveer Memorial Trust, R/o Indiragandhi Nagar, Main Road, Guntur.

..... APPELLANT

AND

1 The Principal Secretary, Higher Education-(IE.II) Dept, Government of Andhra Pradesh, Secretariat, Hyderabad.
2 The Commissioner of Intermediate Education, Andhra Pradesh, Hyderabad.
3 Regional Joint Director of Intermediate Education, Guntur.
4 The District Vocational Educational Officer, Guntur.
5 The President, Mahaveer Memorial Junior College, Indiragandhi Nagar, Guntur.

.....RESPONDENT(S)

Counsel for the Appellant:MR.P.R.PRASAD

Counsel for the Respondent Nos.1 to 4: GP FOR HIGHER EDUCATION

Counsel for the Respondent No.5: Mr. D.V. Reddy

The Court made the following Oral Judgment: (per Sri Devinder Gupta, CJ)

Appellant was Secretary and Correspondent of Mahaveer Memorial Junior College, Guntur and was removed from service. The said order was challenged by filing writ petition. Appellant was relegated to the remedy of filing statutory appeal. On appeal being filed, stay was not granted. Hence, appellant again filed fresh writ petition, which was also dismissed by the learned single judge. However, while dismissing the writ petition, direction was issued for expeditious disposal of the appeal filed by the appellant.

Learned counsel for the appellant submits that operation of the order which is under challenge before the appellate authority deserves to be stayed since the order is without jurisdiction.

We have heard the learned counsel for the appellant and are of the view that there ought not be stay of an order removing appellant from the post of Secretary and Correspondent, inasmuch as, in the event of appeal of the appellant being allowed, appellant can be compensated. But, permitting the appellant to continue as Secretary till the order of removal is set aside, will cause harm and prejudice to the institution. The question as to whether the order of removal is void or not will have to be decided in the appeal. The learned single judge was justified in dismissing the writ petition of the appellant.

The writ appeal is therefore dismissed. No costs.

_____

DEVINDER GUPTA,CJ

DATE: 3rd March, 2005

_____

B. SESHASAYANA REDDY,J

Note: Furnish c.c. by 4.3.2005

B/o

Pnb

To

1 The Principal Secretary, Higher Education-(IE.II) Dept, Government of Andhra Pradesh, Secretariat, Hyderabad.
2 The Commissioner of Intermediate Education, Andhra Pradesh, Hyderabad.
3 Regional Joint Director of Intermediate Education, Guntur.
4 The District Vocational Educational Officer, Guntur.
5 The President, Mahaveer Memorial Junior College,
Indiragandhi Nagar, Guntur.

6 Two C.Cs. to the Government Pleader for Higher Education, High Court Buildings, Hyderabad. (OUT)

7 Two C.D. copies